

Madras Cotton Control Act, 1952

15 of 1952

[31 December 1952]

CONTENTS

1. Short title and extent
2. Definitions
3. Power to specify the variety of cotton to be cultivated, etc., in specified areas
4. Section 4
5. Grant of permission to factories to mix cotton
6. Confiscation
7. Procedure for confiscation
8. Powers of entry and seizure
9. Duty of owner, occupier or person in charge to give facilities for inspection by authorized officer
10. Previous sanction for prosecution
11. Cognizance of offences
12. Offences by corporations, etc
13. Protection for acts done in good faith
14. Officers acting under Act to be public servants
15. Power to make rules
16. Repeal of Madras Act VII of 1932

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PREAMBLE

An Act to provide for regulating or prohibiting the cultivation of any specified variety of cotton, the mixing of any specified variety of cotton with any other variety of cotton and the possession or use of, or trade in, any specified variety of cotton in certain areas in the State of Madras.

Whereas it is expedient to provide for regulating or prohibiting, in certain areas in the State of Madras, the cultivation of any specified variety of cotton, the mixing of any specified variety of cotton with any other variety of cotton and the possession or use of, or trade in, any specified variety of cotton; It is hereby enacted as follows:-

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1 For Statement of Objects and Reasons, see Fort St. George Gazette dated the 2nd July 1952, Part IV-A, pages 38-39,

1. Short title and extent :-

(1) This Act may be called the Madras Cotton Control Act, 1952.

(2) It extends to the whole of the State of Madras.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,--

(a) "controlled area" means an area specified in a notification issued under section 3, sub-section (1);

(b) "cotton" includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed;

(c) "Director" means the Director of Agriculture, Madras, and includes any person who is authorized by the Government to exercise or perform any of the powers or duties of the Director under this Act;

(d) "Government" means the State Government;

(e) "notification" means a notification published in the Fort St. George Gazette;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "prohibited variety of cotton" in respect of any area, means any variety of cotton the cultivation of which is prohibited in such area under clause (ii) of section 3, sub-section (1);

(h) "standard cotton", in respect of any area, means any variety of cotton the cultivation of which is permitted in such area under clause (i) of section 3, sub-section (1).

3. Power to specify the variety of cotton to be cultivated, etc., in specified areas :-

(1) The Government may, by notification, in respect of any area specified therein--

(i) fix the variety or varieties of cotton the cultivation of which is permitted in such area; or

(ii) prohibit the cultivation in such area of any variety of cotton other than any variety fixed under clause (i); or

(iii) prohibit in such area the mixing of any variety of standard cotton with any other variety of standard cotton or with any prohibited variety of cotton; or

(iv) prohibit or restrict in such area the possession or use of, or trade in (a) any variety of standard cotton mixed with any other variety of standard cotton, or (b) any prohibited variety of cotton, whether mixed with any variety of standard cotton or not.

(2) Before issuing a notification under sub-section (1), the Government shall publish in the prescribed manner a draft of such notification together with a notice stating that any objection or suggestion which may be received by the Government within the period specified in the notice (such period being not less than two months from the date of publication of the draft) will be considered by the Government.

(3) Every notification under sub-section (1) shall also be published

in the regional language of the area concerned in the prescribed manner.

4. Section 4 :-

(1) Notwithstanding anything contained in any notification issued under section 3, sub-section (1), the Government may, by notification, permit, in any factory in which cotton is manufactured into yarn or cloth, any variety of standard cotton to be mixed with any other variety of standard cotton or with any prohibited variety of cotton:

Provided that the cotton so mixed is not made into fully pressed bales and is used in such factory exclusively in the manufacture of yarn or cloth.

(2) The owner or person in charge of the factory shall maintain or cause to be maintained a register containing a daily record of cotton other than standard cotton received into, and used in, the factory. He shall preserve such register for a period of not less than two years from the date of the last entry made therein.

(3) The owner or person in charge of the factory shall produce the register maintained under sub-section (2) when required to do so by the Director or by any person authorized by him in this behalf.

5. Grant of permission to factories to mix cotton :-

(1) Any person who, in any controlled area, in contravention of the provisions of this Act or of any notification issued or rule made thereunder--

(a) cultivates any prohibited variety of cotton, or

(b) mixes or causes to be mixed any variety of standard cotton with

any other variety of standard cotton or with any prohibited variety of cotton or possesses, uses, or trades in, any variety of standard cotton mixed with any other variety of standard cotton or possesses, uses, or trades in, any prohibited variety of cotton, whether mixed with any variety of standard cotton or not, or

(c) knowingly in any other manner contravenes any rule made under this Act, shall be punishable with fine which may, in the case mentioned in clause (a), extend to twenty rupees and for a second or subsequent offence with fine which may extend to fifty rupees, and in the case mentioned in clause (b), with fine which may extend to ten thousand rupees ¹[and in the case mentioned in clause (c), with fine which may extend to five hundred rupees and for a second or subsequent offence with fine which may extend to one thousand rupees.]

(2) The owner or person in charge of a factory who--

(a) in contravention of the provisions of section 4, sub-section (1) makes the mixed cotton into fully pressed bales or uses the mixed cotton otherwise than in the manufacture of yarn or cloth in that factory; or

(b) fails to comply with any of the provisions of section 4, sub-section (2) or sub-section (3); or

(c) knowingly in any other manner contravenes any rule made under this Act, shall be punishable with fine which may extend to five hundred rupees and for a second or subsequent offence with fine which may extend to one thousand rupees.

¹ These words, letter and brackets were added by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

6. Confiscation :-

All cotton in respect of which an offence has been committed under this Act or any rule made thereunder and every box, receptacle, package or covering containing such cotton shall be liable to confiscation.

7. Procedure for confiscation :-

(1) Where a Court trying an offence under this Act or any rule made thereunder, considers that anything is liable to confiscation under section 6, it may, after hearing the person, if any, claiming any right thereto and evidence, if any, which he may produce in support of his claim, order its confiscation.

(2) Where an offence has been committed under this Act or any rule made thereunder, and the offender is not known or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, any officer authorized by the Government in this behalf may hold an enquiry and may order confiscation:

Provided that no such order shall be made before the expiration of one month from the date of seizure of the thing liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he may produce in support of his claim.

8. Powers of entry and seizure :-

(1) Any officer authorized in this behalf by the Government may, between the hours of 6 a.m. and 6 p.m.--

(a) enter upon any land in a controlled area in which he knows or has reason to believe that any prohibited variety of cotton has been or is being cultivated in contravention of a notification under section 3, sub-section (1), uproot such cotton, or cause it to be uprooted, and seize the cotton so uprooted;

(b) enter upon or into any land, building, ship, vessel, vehicle or place in a controlled area in which he knows or has reason to believe that any variety of standard cotton mixed with any other variety of standard cotton or any prohibited variety of cotton, whether mixed with any variety of standard cotton or not, is kept in contravention of a notification under section 3, sub-section (1), and seize such cotton.

(2) (a) Every officer seizing any cotton under sub-section (1) shall forthwith

(i) take a sample of the cotton seized, separate it then and there into three equal parts and securely pack and seal each of them with his seal in the presence of the occupier or person in charge of the land, building, ship, vessel, vehicle or place on or in which such seizure was made and of two witnesses and in case the occupier or person aforesaid wishes to seal them, they shall also be sealed with his seal; and

(ii) subject to any rules made under section 15, send one of the sealed packages to the Cotton Specialist authorized by the Government to receive it, for examination and report to the Director, retain another such package for his own use and deliver the third sealed package to the occupier or person aforesaid.

(b) The officer referred to in clause (a) shall have discretion either to entrust the remainder of the seized cotton to the occupier or person aforesaid or to make other arrangements for its safe custody. If the officer decides to entrust the cotton to the occupier or person aforesaid, such occupier or person shall take charge of the same and shall give an undertaking in writing to produce the said cotton before any Court when required to do so by the said officer.

(c) The officer referred to in clause (a) shall forthwith make a report of the seizure to the nearest Magistrate having jurisdiction to try the offence committed in respect of such cotton, together with particulars of such cotton and furnish a copy of such particulars to

the occupier or person aforesaid.

(3) The opinion of the Cotton Specialist referred to in clause (a) (ii) of sub-section (2), contained in any document signed by such officer regarding the cotton sent to him for examination under that clause, may be used as evidence as to the nature of such cotton, in any inquiry, trial or proceeding under this Act.

(4) If the occupier or person aforesaid refuses to take charge of the cotton when required under clause (b) of sub-section (2) or to give the undertaking referred to in that clause or fails to produce the cotton before the Court when required, he shall be guilty of an offence under this Act and shall be punishable with fine which may extend to twice the value of such cotton.

9. Duty of owner, occupier or person in charge to give facilities for inspection by authorized officer :-

(1) Every owner, occupier or person in charge of any land, building, ship, vessel, vehicle or place in a controlled area shall give all reasonable facilities to the officer authorized under section 8, sub-section (1), to inspect such land, building, ship, vessel, vehicle or place.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to twenty rupees.

10. Previous sanction for prosecution :-

No prosecution under this Act or any rule made thereunder shall be instituted without the previous sanction of the Director.

11. Cognizance of offences :-

No offence punishable under this Act or any rule made thereunder shall be inquired into or tried by any Court inferior to that of a Presidency Magistrate or a Magistrate of the second class.

12. Offences by corporations, etc :-

Where a person committing any offence punishable under this Act or any rule made thereunder is a company, or an association or body of persons, whether incorporated or not, the director, manager, secretary, agent or other principal officer managing the affairs of such, company, association or body shall be deemed to be guilty of such offence.

13. Protection for acts done in good faith :-

No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

14. Officers acting under Act to be public servants :-

Every officer acting or purporting to act in pursuance of any of the provisions of this Act or any rule made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

15. Power to make rules :-

(1) The Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) All rules made under this section shall have effect as if enacted in this Act.

16. Repeal of Madras Act VII of 1932 :-

The Madras Cotton Control Act, 1932 (Madras Act VII of 1932), is hereby repealed.